

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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REED ROGALA,

Movant,

-against-

MEMORANDUM & ORDER  
12-MC-0752 (JS)

UNITED STATES OF AMERICA,  
Department of Homeland Security,

Respondent.

-----X  
APPEARANCES

For Petitioner: Reed Rogala, pro se  
302 Western Drive South  
South Orange, New Jersey 07079

For Respondent: Diane C. Leonardo-Beckmann, Esq.  
United States Attorney's Office  
Eastern District of New York  
610 Federal Plaza  
Central Islip, NY 11722

SEYBERT, District Judge:

Reed Rogala ("Movant") moves this Court pro se for leave to proceed in forma pauperis on appeal. Movant seeks to appeal this Court's denial of his Motion pursuant to Rule 41(g) of the Federal Rules of Criminal Procedure for the return of property that was seized pursuant to a search warrant. (See Sept. 13, 2013 Mem. & Order, Docket Entry 13.) For the reasons set forth below, the application is DENIED.

DISCUSSION

Federal Rule of Appellate Procedure 24 provides, in relevant part:

(a) Leave to Proceed In Forma Pauperis.

(1) Motion in the District Court. Except as stated in Rule 24(a)(3), a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

(A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;

(B) claims an entitlement to redress; and

(C) states the issues that the party intends to present on appeal.

FED. R. APP. P. 24(a)(1)(A)-(C). Movant's application for leave to appeal in forma pauperis does not comport with these requirements. Although Movant has provided an affidavit demonstrating his inability to pay or to give security for fees and costs, it is not in the detail prescribed by Form 4 of the Appendix of Forms. Moreover, wholly absent from the application is any claim by Movant that he is entitled to redress. Nor does Movant state any of the issues that he intends to present on appeal. Thus, Movant's application is DENIED.

CONCLUSION

For the reasons set forth above, Movant's application seeking leave to appeal in forma pauperis is DENIED. Pursuant to Rule 24 of Federal Rules of Appellate Procedure, any further request to proceed on appeal as a poor person must be filed with

United States Court of Appeals for the Second Circuit.

SO ORDERED.

/s/ JOANNA SEYBERT

Joanna Seybert, U.S.D.J.

Dated: May 12, 2014  
Central Islip, NY